

ORIGINAL

DANIEL JOSEPH WIK,
Claimant,

v.

DONALD CUNNINGHAM in his official, individual,
and human capacity, BARRY MILLER in his official,
individual, and human capacity, HUGH MCCARTNEY in
his official, individual, and human capacity,
RACHAEL MILLSPAUGH in her official, individual,
and human capacity, JOSEPH NENNI in his official,
individual, and human capacity, MICHELE SMITH in
her official, individual, and human capacity,
DONALD KUNEGO in his alleged official,
individual, and human capacity, ROBERT
SWAPCEINSKI in his alleged official, individual,
and human capacity,
Respondents.

50(h) Hearing in the Above-Titled Matter

Sworn Testimony of:

Donald Joseph Wik

Location: Bergen Town Hall
10 Hunter Street
Bergen, New York 14416

Date: January 19, 2011

Time: 10:00 a.m.

Reported By: JENNIFER A. MINNEHAN
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Rochester, New York 14604

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1 DANIEL JOSEPH WIK - BY MR. FLYNN

2 If you need to take a break at any time,
3 you can do that. I just ask that you answer any
4 question that is pending before we engage in a break.

5 A. Okay.

6 Q. And if you don't understand my question,
7 let me know; I'll rephrase it. Otherwise, I'll assume
8 that you both heard and understood it. Fair enough?

9 A. Yes.

10 Q. I'll start with some background
11 information on you and then we'll get to the
12 allegations contained in your Notice of Claim.

13 Do you still live at 659 Averill Avenue?

14 A. Since there's pending litigation, I'm
15 going to choose not to be compelled to be a witness
16 against myself by answering that. I will receive all
17 correspondence there.

18 Q. Mr. Wik, this is a 50(h) Hearing, which
19 you've elected to record on your own, which is fine.
20 But you are compelled to answer questions that are put
21 to you.

22 You instigated this action with the Notice
23 of Claim. Pursuant to General Municipal Law, you'll
24 answer all questions that are pertinent to your Notice
25 of Claim.

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DANIEL JOSEPH WIK - BY MR. FLYNN

So your address, could you state for the record?

A. I receive mail care of 659 Averill Avenue, Rochester, New York.

Q. What does that mean?

A. That is the place that I receive all of my correspondence at.

Q. Where do you reside?

A. Please define the word "reside."

Q. Where do you live?

A. Please define the word "live."

Q. Where do you go to bed at night?

A. Various locations.

Q. Such as?

A. Erie County, Monroe County, Genesee County.

Q. I need addresses.

A. I don't know all the addresses.

Q. Okay. Give me some.

A. Can I use a laptop to pull up the addresses?

Q. You may have documents that might refresh your recollection, but I need to know strictly what is the basis of your recollection. I only want to know

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